

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re:	:	
	:	
Brian P. Tully	:	Case No.: 16-52031
Jessica E. Tully	:	Chapter 13
	:	Judge John E. Hoffman Jr.
Debtor(s).	:	* * * * *
	:	
	:	

OBJECTION TO CONFIRMATION OF PLAN (DOCKET NUMBER 6)

Now comes JPMorgan Chase Bank, National Association ("Creditor") by and through its attorneys, Manley Deas Kochalski LLC, and objects to confirmation of the Chapter 13 plan of Brian P. Tully and Jessica E. Tully (collectively, "Debtor"). For the reasons which follow, confirmation should be denied.

MEMORANDUM IN SUPPORT OF OBJECTION

Creditor is a creditor herein secured by a first mortgage lien upon the Debtor's real estate located at 8388 Papillon Ave, Reynoldsburg, OH 43068. The Debtor's Chapter 13 Plan proposes to treat Creditor's claim unfairly by providing for an inadequate arrearage amount. The amount of the arrearage in the Chapter 13 Plan is \$10,839.45 and the amount that Creditor has calculated and intends to include in its claim is \$15,955.46. In addition, Creditor objects to said treatment and asserts that, as of the petition date herein, Creditor's claim was fully secured by value in the real estate. Accordingly, § 1322(b)(2) of the Bankruptcy Code and the United States Supreme Court's holding in Nobleman v. American Savings Bank (In re: Nobleman), 508 U.S. 324 (1993) prohibit the Debtor's proposed modification of Creditor's mortgage.

WHEREFORE, Creditor respectfully requests the Court to deny confirmation of the Debtor's proposed Chapter 13 Plan.

Respectfully submitted,

/s/ Adam B. Hall

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Attorneys for Creditor

The case attorney for this file is Adam B. Hall.

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CERTIFICATE OF SERVICE

I hereby certify that on May 2, 2016, a copy of the foregoing Objection to Confirmation was served on the following registered ECF participants, **electronically** through the court's ECF System at the email address registered with the court:

Office of U.S. Trustee, Southern District of Ohio, Party of Interest, 170 North High Street, #200, Columbus, OH 43215

Faye English, One Columbus, 10 West Broad St, Suite 900, Columbus, OH 43215

W. Mark Jump, Attorney for Brian P. Tully and Jessica E. Tully, 2130 Arlington Ave., Columbus, OH 43221, bankruptcycourt@jumplegal.com

and on the below listed parties by regular U.S. mail, postage prepaid:

Brian P. Tully, 8388 Papillon Ave., Reynoldsburg, OH 43068

Brian P. Tully and Jessica E. Tully, 8388 Papillon Ave, Reynoldsburg, OH 43068

/s/ Adam B. Hall